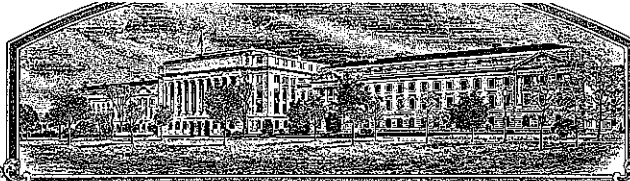


No.

9900107



# THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

## Michigan Agricultural Experiment Station

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR IMPORTING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. IN THE UNITED STATES SEED OF THIS VARIETY (1) SHALL BE SOLD BY VARIETY NAME ONLY AS A CERTIFIED SEED AND (2) SHALL CONFORM TO THE NUMBER OF GENERATIONS SPECIFIED BY THE OWNER OF THE SEEDS. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

WHEAT, COMMON

'Bavaria'

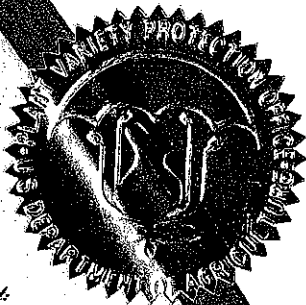
In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this twelfth day of September, in the year two thousand one.

Attest:

Paul M. Zankowski

Commissioner  
Plant Variety Protection Office  
Agricultural Marketing Service

W. H. H. H. H.  
Secretary of Agriculture



U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
SCIENCE DIVISION

## APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(INSTRUCTIONS ON REVERSE)

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).


|   |   |  |   |
|---|---|--|---|
| 1. NAME OF APPLICANT(S) (as it is to appear on the Certificate)<br><b>Michigan Agricultural Experiment Station</b>  |   | 2. TEMPORARY DESIGNATION OR EXPERIMENTAL NO.<br><b>D0256</b>                     | 3. VARIETY NAME<br><b>Bavaria</b>   |
| 4. ADDRESS (street and no. or R.F.D. no., city, state, and ZIP)<br><b>109 Agriculture Hall<br/>Michigan State University<br/>East Lansing, MI 48824-1039</b>  |   | 5. PHONE (include area code)<br><b>(517) 355-0123</b>                            | FOR OFFICIAL USE ONLY<br>PVPO NUMBER<br><b>9900107</b>  |
| 6. GENUS AND SPECIES NAME<br><b>Triticum aestivum L.</b>  | 7. FAMILY NAME (Botanical)              |  |   |
| 8. CROP KIND NAME (Common Name)<br><b>Soft Winter Wheat</b>   | 9. DATE OF DETERMINATION<br><b>1989</b> |  | FILING<br>Date<br><b>12/7/1998</b><br>Time<br><input type="checkbox"/> A.M. <input type="checkbox"/> P.M. |
| 10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION (Corporation, partnership, association, etc.)<br><b>Agricultural Experiment Station</b>   |   | FEE<br>Filing and Examination Fee:<br>\$ <b>2450.00</b><br>Date<br><b>8-4-98</b> |   |
| 11. IF INCORPORATED, GIVE STATE OF INCORPORATION  | 12. DATE OF INCORPORATION               |  | CERTIFIED<br>Certificate Fee:<br>\$ <b>320.00</b><br>Date<br><b>8/24/01</b>                               |
| 13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS<br><b>Dr. Ian Gray, Director, Michigan Agricultural Experiment Station<br/>109 Agriculture Hall, Michigan State University, East Lansing<br/>Michigan 48824-1039</b> |   |  |   |

PHONE (include area code):

|   |  |
|---|--|
| 14. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED (Follow INSTRUCTIONS on reverse)  |  |
| a. <input checked="" type="checkbox"/> Exhibit A, Origin and Breeding History of the Variety<br>b. <input checked="" type="checkbox"/> Exhibit B, Novelty Statement<br>c. <input checked="" type="checkbox"/> Exhibit C, Objective Description of Variety<br>d. <input checked="" type="checkbox"/> Exhibit D, Additional Description of Variety<br>e. <input checked="" type="checkbox"/> Exhibit E, Statement of the Basis of Applicant's Ownership<br>f. <input checked="" type="checkbox"/> Seed Sample (2,500 viable untreated seeds). Date Seed Sample mailed to Plant Variety Protection Office _____<br>g. <input type="checkbox"/> Filing and Examination Fee (\$2,325) made payable to "Treasurer of the United States" |  |
| 15. DOES THE APPLICANT(S) SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED? (See section 83(a) of the Plant Variety Protection Act) <input checked="" type="checkbox"/> YES (If "YES," answer items 16 and 17 below) <input type="checkbox"/> NO (If "NO," skip to item 18 below)  |  |
| 16. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?<br><input checked="" type="checkbox"/> YES <input type="checkbox"/> NO  | 17. IF "YES" TO ITEM 16, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED?<br><input checked="" type="checkbox"/> FOUNDATION <input type="checkbox"/> REGISTERED <input type="checkbox"/> CERTIFIED |
| 18. DID THE APPLICANT(S) PREVIOUSLY FILE FOR PROTECTION OF THE VARIETY IN THE U.S.<br><input type="checkbox"/> YES (If "YES," through <input type="checkbox"/> Plant Variety Protection Act <input type="checkbox"/> Patent Act. Give date: _____)<br><input checked="" type="checkbox"/> NO  |  |
| 19. HAS THE VARIETY BEEN RELEASED, USED, OFFERED FOR SALE, OR MARKETING IN THE U.S. OR OTHER COUNTRIES?<br><input checked="" type="checkbox"/> YES (If "YES," GIVE NAMES OF COUNTRIES AND DATES) <b>U.S.A. 1997, Canada 1997 (as "Huron")</b><br><input type="checkbox"/> NO <b>Fall 1998</b>   |  |
| 20. The applicant(s) declare(s) that a viable sample of basic seeds of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable.   |  |

The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in section 41, and is entitled to protection under the provisions of section 42 of the Plant Variety Protection Act.

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

|   |                                      |                             |
|---|--------------------------------------|-----------------------------|
| SIGNATURE OF APPLICANT [Owner(s)]<br> | CAPACITY OR TITLE<br><b>Director</b> | DATE<br><b>21 July 1998</b> |
| SIGNATURE OF APPLICANT [Owner(s)]   | CAPACITY OR TITLE                    | DATE                        |

## Exhibit A. Origin and Breeding History (Bavaria)

### Origin

Bavaria, a soft white winter wheat, was developed at Michigan State University and was tested as D0256. Bavaria is an F4-derived pure line that originates from the cross number 861823. The parentage of that cross is C0250/B7101// Pioneer Experimental W9021R. C0250 and B7101 are both breeding lines developed at MSU. The parentage of C0250 is Exotic 4870//2\*Asosan/3\*Genesee. The parentage of B7101 is Pd5517-A1//Suwon92/Brevor/5\*Genesee. The parentage of Pioneer Experimental W9021R is (Tezanos Pintos Precoz / 2\*Sonora 64 /7/(Pd4946A4-18-2-10-1, Norin 33-3 /6/ Fairfield /4/ Fultz / Hungarian\*2 /2/PI94587 durum /3/ Fultz / Hungarian /5/Trumbull\*3/2/ Hope / Hussar /3/ Newsar)/8/ (MO7718, Clarkan / Vigo /2/ Norin 66/3/ Redcoat), Pioneer Line W549)/9/Pioneer Line W558.

The F1 through F4 generations were grown as population bulks without single plant selection in the greenhouse or in the field near East Lansing Michigan. F4:5 head rows were planted in the fall of 1988 from heads randomly selected from F4 plants. Selection in the F4:5 head rows was based on resistance to powdery mildes, reduced plant height, and resistance to lodging. F4:6 drill plots were generated by planting families derived from bulk harvesting of selected F4:5 head rows. Selection among F4:6 drill plots was similar to that practiced in the F4:5 head row generation. One of the F4:6 drill plots was given the stock ID of D0256. D0256 was evaluated in yield trials in 1990 through 1994 as an F4-derived line. A seed purification and increase system independent of yield trials was employed from 1991 until the fall of 1995 when F4:11 seed was transferred to Michigan Foundation Seed for the production of pre-breeders seed. Bavaria exhibited stable, uniform appearance both among and within seasons throughout the period of pre-release yield test and seed increase (1991 through 1995).

## Exhibit B. Novelty Statement (Bavaria)

Bavaria is an awnless white seeded winter wheat with bronze glumes at maturity. The two varieties most like Bavaria in phenotype are Harus and Frankenmuth. Tables 1 and 2 summarize the traits that allow differentiation of these varieties from Bavaria.

**Table 1. Comparison of Bavaria and Harus, data from the 1995-1998 MSU wheat variety trials.**

| <b>Trait</b>  | <b>Year</b> | <b>Bavaria</b> | <b>Harus</b>  | <b>LSD (0.05)</b> |
|---|-------------|----------------|---------------|-------------------|
| Flowering: day of year; Ingham County, 3 replications, 2000 plants per plot.                        | 1995        | 161.9          | <b>160.1*</b> | 1.2               |
| Flowering: day of year; Ingham County, 3 replications, 2000 plants per plot.                        | 1997        | 167.5          | <b>164.0*</b> | 2.1               |
| Wheat Spindle Streak Mosaic Virus Score (0-9); Ingham County, 3 replications, 2000 plants per plot. | 1998        | 3.0            | <b>6.2*</b>   | 2.0               |
| Wheat Spindle Streak Mosaic Virus Score (0-9); Ingham County, 3 replications, 2000 plants per plot. | 1997        | 2.7            | <b>8.7*</b>   | 1.4               |

**Table 2. Comparison of Bavaria, Harus, and Frankenmuth, data from the 1998 wheat variety trial.**

| <b>Trait</b>  | <b>Year</b> | <b>Bavaria</b> | <b>Harus</b>       | <b>Frankenmuth</b>  | <b>LSD(0.05)</b> |
|---|-------------|----------------|--------------------|---------------------|------------------|
| Flowering: day of year: Ingham County, 3 replications, 2000 plants per plot.                        | 1998        | 150.5          | 148.1*             | 149.6 <sup>ns</sup> | 1.9              |
| Plant Height (inches to tip of head): Ingham County, 3 replications, 2000 plants per plot.          | 1998        | 44.3           | 43.0 <sup>ns</sup> | 46.3*               | 1.7              |
| Plant Height (inches to tip of head): Midland County, 3 replications, 2000 plants per plot.         | 1998        | 41.6           | 41.3 <sup>ns</sup> | 47.9*               | 1.2              |
| Wheat Spindle Streak Mosaic Virus Score (0-9): Ingham County, 3 replications, 2000 plants per plot. | 1998        | 3.0            | 6.2*               | 9.0*                | 2.0              |

Variants in the original lot of Bavaria breeder seed include up to :  
0.1% taller; 0.8% white chaff; 0.1% awned, and 3.0% red seed.

Response to PVPO' request for clarification on the nature of the scoring system used for wheat spindle streak mosaic virus (WSSMV):

The scale used for WSSMV in the PVP application for Bavaria is based on a visual evaluation of the intensity of symptoms evident at the point of maximum expression of this disease. That normally occurs sometime between the resumption of growth in the spring and Feekes stage 6 (stem elongation). A score of '0' is given for plots with no symptoms. A score of '9' is given for plots with what is judged to be maximum severity of symptoms. The scores 1-8 represent a uniform gradation between those two extremes. These scores are analyzed statistically without transformation of any kind.

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE  
COMMODITIES SCIENTIFIC SUPPORT DIVISION  
BELTSVILLE, MARYLAND 20705

EXHIBIT C  
(Wheat)

OBJECTIVE DESCRIPTION OF VARIETY  
WHEAT (TRITICUM SPP.)

INSTRUCTIONS: See Reverse.

NAME OF APPLICANT(S)

Michigan Ag Experiment Station

ADDRESS (Street and No. or R.F.D. No., City, State, and ZIP Code)

109 Agriculture Hall  
Michigan State University  
East Lansing, MI 48824

FOR OFFICIAL USE ONLY

PVPO NUMBER

9900107

VARIETY NAME OR TEMPORARY DESIGNATION

BAVARIA

Place the appropriate number that describes the varietal character of this variety in the boxes below.  
Place a zero in first box (e.g., 089 or 09 ) when number is either 99 or less or 9 or less.

## 1. KIND:

1 1 = COMMON 2 = DURUM 3 = EMMER 4 = SPELT 5 = POLISH 6 = POULARD 7 = CLUB

## 2. TYPE:

2 1 = SPRING 2 = WINTER 3 = OTHER (Specify) 1 1 = SOFT 2 = HARD 3 = OTHER (Specify)

1 1 = WHITE 2 = RED 3 = OTHER (Specify)

## 3. SEASON - NUMBER OF DAYS FROM EMERGENCE TO:

165 FIRST FLOWERING  LAST FLOWERING

## 4. MATURITY (50% Flowering):

2 NO. OF DAYS EARLIER THAN Frankenmuth 1 = ARTHUR 2 = SCOUT 3 = CHRIS

1 NO. OF DAYS LATER THAN Harus 4 = LEMNI 5 = NUGAINE 6 = LEEDS

## 5. PLANT HEIGHT (From soil level to top of head):

100 CM. HIGH (2 year Aug 95/96 data)

5 CM. TALLER THAN Harus

5 CM. SHORTER THAN Frankenmuth 1 = ARTHUR 2 = SCOUT 3 = CHRIS  
4 = LEMNI 5 = NUGAINE 6 = LEEDS

## 6. PLANT COLOR AT BOOTING (See reverse):

2 1 = YELLOW GREEN 2 = GREEN 3 = BLUE GREEN

## 7. ANTHUR COLOR:

1 1 = YELLOW 2 = PURPLE

## 8. STEM:

1 Anthocyanin: 1 = ABSENT 2 = PRESENT

2 Waxy bloom: 1 = ABSENT 2 = PRESENT

Hairiness of last internode of rachis: 1 = ABSENT 2 = PRESENT

1 Internodes: 1 = HOLLOW 2 = SOLID

4 NO. OF NODES (Originating from node above ground)

CM. INTERNODE LENGTH BETWEEN FLAG LEAF AND LEAF BELOW

## 9. AURICLES:

1 Anthocyanin: 1 = ABSENT 2 = PRESENT

2 Hairiness: 1 = ABSENT 2 = PRESENT

## 10. LEAF:

2 Flag leaf at booting stage: 1 = ERECT 2 = RECURVED  
3 = OTHER (Specify):

2 Flag leaf: 1 = NOT TWISTED 2 = TWISTED

Hairs of first leaf sheath: 1 = ABSENT 2 = PRESENT

2 Waxy bloom of flag leaf sheath: 1 = ABSENT 2 = PRESENT

14 MM. LEAF WIDTH (First leaf below flag leaf)

28 CM. LEAF LENGTH (First leaf below flag leaf)

11. HEAD:

☐ 1 Density: 1 = LAX 2 = DENSE ☐ 1 Shape: 1 = TAPERING 2 = STRAP 3 = CLAVATE 4 = OTHER (Specify) \_\_\_\_\_

☐ 1 Awnedness: 1 = AWNLESS 2 = APICALLY AWNLETED 3 = AWNLETED 4 = AWNED

☐ 2 Color at maturity: 1 = WHITE 2 = YELLOW 3 = PINK 4 = RED 5 = BROWN 6 = BLACK 7 = OTHER (Specify): \_\_\_\_\_

☐ ☐ CM. LENGTH ☐ ☐ MM. WIDTH

12. GLUMES AT MATURITY:

☐ 3 Length: 1 = SHORT (CA. 7 mm.) 2 = MEDIUM (CA. 8 mm.) 3 = LONG (CA. 9 mm.) ☐ 3 Width: 1 = NARROW (CA. 3 mm.) 2 = MEDIUM (CA. 3.5 mm.) 3 = WIDE (CA. 4 mm.)

☐ 4 Shoulder shape: 1 = WANTING 2 = OBLIQUE 3 = ROUNDED 4 = SQUARE 5 = ELEVATED 6 = APICULATE ☐ 2 Beak: 1 = OBTUSE 2 = ACUTE 3 = ACUMINATE

13. COLEOPTILE COLOR:

☐ 1 1 = WHITE 2 = RED 3 = PURPLE

14. SEEDLING ANTHOCYANIN:

☐ 1 1 = ABSENT 2 = PRESENT

15. JUVENILE PLANT GROWTH HABIT:

☐ 3 1 = PROSTRATE 2 = SEMI-ERECT 3 = ERECT

16. SEED:

☐ 3 Shape: 1 = OVATE 2 = OVAL 3 = ELLIPTICAL ☐ Check: 1 = ROUNDED 2 = ANGULAR

☐ 2 Brush: 1 = SHORT 2 = MEDIUM 3 = LONG ☐ 1 Brush: 1 = NOT COLLARED 2 = COLLARED

☐ Phenol reaction (See instructions): 1 = IVORY 2 = FAWN 3 = LT. BROWN 4 = BROWN 5 = BLACK

☐ 1 Color: 1 = WHITE 2 = AMBER 3 = RED 4 = PURPLE 5 = OTHER (Specify) \_\_\_\_\_

☐ ☐ MM. LENGTH ☐ ☐ MM. WIDTH ☐ 3 ☐ 8 GM. PER 1000 SEEDS

17. SEED CREASE:

☐ Width: 1 = 60% OR LESS OF KERNEL 'WINOKA' 2 = 80% OR LESS OF KERNEL 'CHRIS' 3 = NEARLY AS WIDE AS KERNEL 'LEMHI'

☐ Depth: 1 = 20% OR LESS OF KERNEL 'SCOUT' 2 = 35% OR LESS OF KERNEL 'CHRIS' 3 = 50% OR LESS OF KERNEL 'LEMHI'

18. DISEASE: (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

☐ 0 STEM RUST (Race) ☐ 2 LEAF RUST (Race) ☐ 0 STRIPE RUST (Race) ☐ 0 LOOSE SMUT

☐ 2 POWDERY MILDEW ☐ 0 BUNT ☐ 2 OTHER (Specify) \_\_\_\_\_

19. INSECT: (0 = Not Tested, 1 = Susceptible, 2 = Resistant)

☐ 0 SAWFLY ☐ 0 APHID (Bydv.) ☐ GREEN BUG ☐ CEREAL LEAF BEETLE

☐ 0 OTHER (Specify) \_\_\_\_\_ HESSIAN FLY RACES: ☐ GP ☐ A ☐ B ☐ C ☐ D ☐ E ☐ F ☐ G

20. INDICATE WHICH VARIETY MOST CLOSELY RESEMBLES THAT SUBMITTED:

| CHARACTER       | NAME OF VARIETY | CHARACTER             | NAME OF VARIETY |
|-----------------|-----------------|-----------------------|-----------------|
| Plant tillering | Frankenmuth     | Seed size             | Frankenmuth     |
| Leaf size       | Frankenmuth     | Seed shape            | Frankenmuth     |
| Leaf color      | Frankenmuth     | Coleoptile elongation | Frankenmuth     |
| Leaf carriage   | Frankenmuth     | Seedling pigmentation | Frankenmuth     |

INSTRUCTIONS

GENERAL: The following publications may be used as a reference aid for the standardization of terms and procedures for completing this form:

(a) L.W. Briggie and L. P. Reitz, 1963, Classification of Triticum Species and Wheat Varieties Grown in the United States, Technical Bulletin 1278, United States Department of Agriculture.

(b) W.E. Walls, 1965, A Standardized Phenol Method for Testing Wheat Seeds for Varietal Purity, contribution No. 28 to the handbook of seed testing prepared by the Association of Official Seed Analysts. (See attachment.)



## **Exhibit D. Objective description of variety (Bavaria)**

### **Morphological Description**

Bavaria is a large seeded, soft white winter wheat variety with brown chaff. Bavaria has short awnlets of 3-40mm with the length and frequency of awnlets decreasing from the tip to the base of the spike. The spikes are fusiform in shape. The glumes are moderately pubescent, as is the rachis. Glume shoulders are generally square in shape and midwide in width. Kernels are long and ovate. The kernel crease is middeep, midwide, and rounded. The kernel brush is large in size and midlong in length.

Bavaria has excellent milling and baking properties. Based on three samples milled on an Allis Chalmers mill and baking analyses at the USDA Eastern Soft Wheat Quality Laboratory, Bavaria had the following characteristics:

- Test Weight 60.8 lb/bushel
- Friability = 29.4 %
- 1,000 Kernel Wt. = 39.2 g
- Flour Ash = 0.37
- Allis Chalmers Milling Score = 74.6
- Alkaline Water Retention Capacity. = 51.5 %
- Straight Grade Flour yield = 77.6 %
- Break Flour Yield = 32.1 %
- Endosperm Separation Index = 8.8%
- Cookie Diameter = 17.6 cm

U.S. DEPARTMENT OF AGRICULTURE  
AGRICULTURAL MARKETING SERVICE

The following statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. 552a) and the Paperwork Reduction Act (PRA) of 1995.

EXHIBIT E  
STATEMENT OF THE BASIS OF OWNERSHIP

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

|  |   |   |
|--|---|---|
| 1. NAME OF APPLICANT(S)<br><br>Michigan Agricultural Experiment Station  | 2. TEMPORARY DESIGNATION<br>OR EXPERIMENTAL NUMBER<br><br>D0256 | 3. VARIETY NAME<br><br>Bavaria                  |
| 4. ADDRESS (Street and No., or R.F.D. No., City, State, and ZIP, and Country)<br>109 Agriculture Hall<br>Michigan State University<br>East Lansing, MI 48824-1039  | 5. TELEPHONE (include area code)<br><br>(517)353-0123           | 6. FAX (include area code)<br><br>(517)353-5406 |
| 7. PVPO NUMBER<br><br>9900107  |   |   |
| 8. Does the applicant own all rights to the variety? Mark an "X" in appropriate block. If no, please explain. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO                              |   |   |
| 9. Is the applicant (individual or company) a U.S. national or U.S. based company? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO<br>If no, give name of country                          |   |   |
| 10. Is the applicant the original owner? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO If no, please answer one of the following:  |   |   |
| a. If original rights to variety were owned by individual(s), is (are) the original owner(s) a U.S. national(s)?<br>N/A <input type="checkbox"/> YES <input type="checkbox"/> NO If no, give name of country   |   |   |
| b. If original rights to variety were owned by a company(ies), is(are) the original owner(s) a U.S. based company?<br>N/A <input type="checkbox"/> YES <input type="checkbox"/> NO If no, give name of country |   |   |
| 11. Additional explanation on ownership (if needed, use reverse for extra space):  |   |   |

## PLEASE NOTE:

Plant variety protection can be afforded only to owners (not licensees) who meet one of the following criteria:

1. If the rights to the variety are owned by the original breeder, that person must be a U.S. national, national of a UPOV member country, or national of a country which affords similar protection to nationals of the U.S. for the same genus and species.
2. If the rights to the variety are owned by the company which employed the original breeder(s), the company must be U.S. based, owned by nationals of a UPOV member country, or owned by nationals of a country which affords similar protection to nationals of the U.S. for the same genus and species.
3. If the applicant is an owner who is not the original owner, both the original owner and the applicant must meet one of the above criteria.

The original breeder/owner may be the individual or company who directed final breeding. See Section 41(a)(2) of the Plant Variety Protection Act for definition.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0581-0055. The time required to complete this information collection is estimated to average 10 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in its programs on the basis of race, color, national origin, sex, religion, age, disability, political beliefs, and marital or familial status. (Not all prohibited bases apply to all programs). Persons with disabilities who require alternative means for communication of program information (braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint, write the Secretary of Agriculture, U.S. Department of Agriculture, Washington, D.C. 20250, or call 1-800-245-6340 (voice) or (202) 720-1127 (TDD). USDA is an equal employment opportunity employer.

STD-470-E (07-97) (Destroy previous editions).

Electronic version designed using WordPerfect InForms by USDA-AMS-IMB.

9900107

## **Exhibit E. Basis of Ownership (Bavaria)**

9900107

Creation of the originating cross, early generation selection, testing, purification and multiplication were all performed by employees of the Michigan State University wheat breeding program which is a component of the Michigan Agricultural Experiment Station. Exclusive rights to produce, promote, and market this variety have been granted to the Greater Michigan Seed company.

25-102-1

0210-0-1  
1021